HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.391 of 2007

Dated:05.01.2007

Between:

M.Vidyasagar Reddy.

…Petitioners

and

Govt. of A.P., and others.

…Respondents

HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.391 of 2007

ORDER:

The petitioner alleges that he purchased land admeasuring Acs.2.05 guntas in Survey No.713 situated at Devar Yamjal Village of Shameerpet Mandal in Ranga Reddy District, under a registered sale deed dated 23.12.1998, and is in possession of the same. The petitioner intended to sell a portion of the said property and entered into agreement of sale with intending purchaser and approached the second respondent for registration of the same. It is alleged that though the same was received for registration, it was kept as pending document No.310 of 2006. Aggrieved by the same, the present Writ Petition is filed.

Heard the learned Counsel for the petitioner and the learned Assistant Government Pleader for Revenue (General). It is no doubt true that when a document is presented, it is incumbent on the part of the Registering Officer to examine the same with reference to Sections 31 to 36 of the Registration Act, 1908 (the Act, for brevity) and/or Rules 26 and 58 of the Andhra Pradesh Rules under the Act. This aspect of the matter was considered by my learned brother Hon'ble Sri Justice A.Gopal Reddy in W.P.No.15199 of 2004, dated 01.09.2004.

Following the above, this Writ Petition is disposed of directing the second respondent or any other Registering Officer to accept the document presented by the petitioner and consider for registration. Be it noted, if for any reason, the document presented is not registered, it is incumbent on the part of the Registering Officer to record and furnish reasons under Section 71 of the Act. Even thereafter, if the petitioner has any grievance, he may file appeal before the Appellate Authority under Section 72 of the Act. Thereafter, if any adverse order is passed by the Appellate Authority, the petitioner can file a suit under Section 77 of the Act. Be it also noted that in

case the Government claims the land as belonging to them, it shall be open to them to avail appropriate remedy either before the Special Court/Special Tribunal under the Andhra Pradesh Land Grabbing (Prohibition) Act, 1982, or by filing a declaration suit or by taking necessary action under the Andhra Pradesh Land Encroachment Act, 1905. No costs.

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(V.V.S.RAO, J)

05.01.2007
Note:Issue C.C by 09.01.2007.
B/o.
vs